

Remarks:

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 2 - 21 are presently pending in the application.

Claims 2 - 20 have been amended. Claim 1 has been canceled.

New claim 21 has been added.

In item 1 of the above-identified Office Action, the specification was objected to because the Abstract of the disclosure exceeded 150 words and/or 15 lines. The Abstract has been amended to be under 150 words in length.

In item 2 of the Office Action, claims 18 and 19 were objected to on the basis of informalities. Claims 18 and 19 have been amended to address the objection raised in item 2 of the Office Action

In item 3 of the Office Action, claims 1 - 20 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Canadian Patent Application No. 2,384,556 to Bachtiger et al ("BACHTIGER"), in view of U. S. Patent No. 6,687,714 to Kogen et al ("KOGEN"), and further in view of U. S. Patent No. 5,253,162 to Hassett et al ("HASSETT").

Applic. No. 10/611,983
Response Dated April 26, 2007
Responsive to Office Action of January 26, 2007

Applicant respectfully traverses the above rejections, as applied to the amended claims.

More particularly, Applicants' new claim 21, from which all the other claims ultimately depend, recites, among other limitations:

. . . .
updating a shadow account balance stored in the storage device of the ticket, using the provisional tariff unit communicated to the ticket in the first information units, thereby generating an updated shadow account balance;

. . . .
posting information relating to the recorded service derived using actual tariff units to the account associated with the identity of the ticket, thereby generating an updated actual account balance.
[emphasis added by Applicant]

As such, Applicant's claimed invention uses two different tariff unit values (i.e., the provisional tariff unit and the actual tariff unit) to calculate two different balances, one in the ticket (i.e., the shadow account balance) and one in the storage medium of the remote computer (i.e., the actual account balance). Later, the two balances are reconciled, in order to adapt for the difference created by the differences between the "provisional" and "actual" tariff amounts. This is described in the specification of the instant application,

Applic. No. 10/611,983
Response Dated April 26, 2007
Responsive to Office Action of January 26, 2007

for example, in paragraph [0032] of the publication document
[US 2004/0006512 A1] of the instant application, which states:

The ticket 10 contains a fictitious or shadow account whose balance can be represented either as a currency amount, such as Swiss francs, or as a points value. The account balance may be displayed on display element 11 on the ticket 10, as shown in FIG. 2. As a result of the provisional tariff unit contained in the field TARIFUNIT2, and also the time, a debit takes place from this fictitious account. Alternatively, it is also possible for the entry in the field TARIFUNIT2 to be structured such that a further debit takes place only after an indicator has changed in the field TARIFUNIT2. The provisional tariff is in contrast to the actual tariff for the service at issue. [emphasis added by Applicant]

One advantage to Applicant's claimed invention, which uses a tariff rate for calculating the shadow account balance in the ticket that is different from the actual tariff rate, is discussed in [0041] of the published application, which states:

The debit made on the ticket 10 is generally higher, as a result of the application of provisional tariff units, than the actual debit to the account in the computer system 40, since a higher value is provided for the provisional tariff units than for the actual tariff units that actually come to be applied. A higher value for the tariff units that actually come to be applied is not however mandatory since quantity discounts can be provided. This also ensures that the user of such a ticket 10 is always on the safe side as far as credit balance is concerned. When the ticket 10 is next topped up, the credit balance on the ticket 10 is synchronized with the current balance. In this situation, it is possible that solely as a result of the synchronization, without any topping up, a considerable credit balance can be present again on the ticket 10. [emphasis added by Applicant]

Applic. No. 10/611,983
Response Dated April 26, 2007
Responsive to Office Action of January 26, 2007

The use of **different** tariff rates for calculating the account balances on the **ticket** and in the **records computer**, is neither taught, nor suggested, in the prior art of record. More particularly, page 4 of the Office Action alleged that **HASSETT** disclosed determining a provisional tariff for the device and posting a provisional tariff to an account. Applicant respectfully disagrees that the **HASSETT** reference, alone, or in combination with **BACHTIGER** and/or **KOGEN**, teaches or suggests the use of a provisional tariff for calculating a shadow balance on a ticket, while an **actual** tariff is used to calculate the actual tariff in the record.

More particularly, none of the cited references use a **provisional** tariff for one calculation, that is **different** than the **actual** tariff used in a later calculation. For example, **HASSETT** discloses a system for automatic collection of tolls wherein a toll is calculated, based on a toll schedule received from a transmitter, and debited from the storage of the in-vehicle toll processor. However, contrary to Applicant's claimed invention, there is nothing "**provisional**" about the toll calculated in **HASSETT**.

The Merriam Webster Online Dictionary (www.m-w.com) defines "**provisional**", as follows:

Applic. No. 10/611,983
Response Dated April 26, 2007
Responsive to Office Action of January 26, 2007

Main Entry: ¹pro·vi·sion·al
Pronunciation: pr&-'vizh-n&l, -'vi-zh&-n&l
Function: *adjective*
: **serving for the time being : TEMPORARY** <a
provisional government>
- **pro·vi·sion·al·ly** *adverb*

The toll calculated and extracted in **HASSETT** is not "serving for the time being" or "temporary". Rather, the toll calculated and debited in the invention of **HASSETT** is the **actual** toll. In no part of **HASSETT** is any correction or adjustment made to reconcile a "provisional" debited amount with an "actual" amount due. This can be clearly seen from the portions of **HASSETT** cited in the Office Action. For example, col. 2 of **HASSETT**, lines 37 - 47, state:

A first toll-facility-identification site, corresponding to and remote from a first toll facility collection site, transmits a first toll-facility-identifier signal uniquely representative of (i) the location of the first toll facility and (ii) a toll schedule corresponding to the roadway. As the moving vehicle approaches the first toll-facility-identification site, the in-vehicle toll processor receives and stores the first toll-facility-identifier signal, and calculates, in response to the first toll-facility-identifier signal, a toll amount to be debited at the first toll facility. [emphasis added by Applicant]

See, also, col. 2 of **HASSETT**, lines 57 - 68, which state:

Subsequently, as the vehicle passes through the first toll facility collection site, the first toll facility collection site transmits a toll-collect signal instructing the in-vehicle toll processor to debit the calculated toll amount from its storage. The in-vehicle toll processor responds by debiting the calculated toll amount from its storage, reducing the

Applic. No. 10/611,983
Response Dated April 26, 2007
Responsive to Office Action of January 26, 2007

value of the toll-money-available signal in accordance with the amount debited. Additionally, the in-vehicle toll processor transmits an acknowledgement signal indicating to the toll facility collection site that the calculated toll amount has been debited from storage. [emphasis added by Applicant]

HASSETT neither teaches, nor suggests, revisiting, readjusting and/or reconciling the amount of the toll debited contemporaneously with passing through the toll facility with a later, actual toll amount. As such, the toll calculated in HASSETT and debited from the in-vehicle toll processor of HASSETT is not a provisional tariff, but is the final, actual tariff. Applicant notes that, unless defined different in the specification, common words must be given their common meaning. Applicant's claims require a "provisional" (i.e., "serving for the time being" or "temporary") tariff to be used in calculating the shadow account balance in the ticket and actual tariff to be used to calculate the actual account balance. The calculation or use of a "provisional" tariff is neither taught, nor suggested by HASSETT. The BACHTIGER and KOGEN references, cited in combination with HASSETT in the Office Action, do not cure the above-discussed deficiencies of HASSETT. As such, Applicant's claimed invention is believed to be patentable over the combination of HASSETT, BACHTIGER and KOGEN.

Applic. No. 10/611,983
Response Dated April 26, 2007
Responsive to Office Action of January 26, 2007

It is accordingly believed that none of the references, whether taken alone or in any combination, teach or suggest the features of claim 21. Claim 21 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 21.

In view of the foregoing, reconsideration and allowance of claims 2 - 21 are solicited.

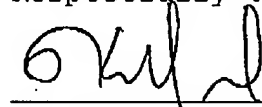
In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Applic. No. 10/611,983
Response Dated April 26, 2007
Responsive to Office Action of January 26, 2007

Respectfully submitted,



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